

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the indication that the drawings are acceptable, and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Upon entry of the above amendments claims 1 and 13 will have been amended. Claims 1-13 are currently pending. Applicants respectfully request entry of the present amendments, reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

On pages 2-4 of the Official Action, claims 1, 2, 6, 9 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by SAKAMOTO et al. (U.S. Patent No. 5,648,653). Applicants note that the Examiner also discusses claims 11 and 12 in the body of this rejection, and thus it appears that claims 11 and 12 are also rejected.

Applicants respectfully traverse the rejection of claims 1, 2, 6, 9 and 11-13 under 35 U.S.C. § 102(b).

Each of claims 1 and 13, as currently amended, recites, inter alia, “said transparent cover plate member including a first surface facing the solid state imaging device and a second surface, opposite to the first surface, facing away from the solid state imaging device; and a conductive film layer that covers the second surface of said transparent cover plate member, said conductive film layer being the furthest layer from the solid state imaging device.”

Applicants submit that SAKAMOTO et al. lacks any disclosure of a conductive film layer that covers a surface of a transparent cover plate member facing away from a solid state imaging device, the conductive film layer being the furthest layer from the solid state imaging device.

The Examiner appears to take the position that the filter 4 of SAKAMOTO et al. is a conductive film layer. However, Applicants submit that the filter 4 of SAKAMOTO et al. is disclosed as a dielectric multi-layer film, rather than a *conductive film layer*. In this regard, Applicants submit that the multi-layer, dielectric filter 4 can not reasonably be characterized as *a conductive film layer*.

Further, although the filter 4 is disclosed as including alternating layers of dielectric films and thin metallic films, Applicants submit that SAKAMOTO et al. lacks any disclosure of *a furthest layer from the solid state imaging device being a conductive film layer*. In this regard, Applicants submit that in the embodiment of the filter 4 depicted in Fig. 4 of

SAKAMOTO et al., the outermost layers are clearly the dielectric films 21 rather than the metallic films 22. Applicants further note that the metal films in a dielectric optical filter, such as filter 4 of SAKAMOTO et al., would clearly be surrounded by the dielectric films. In contrast, the conductive film layer of the present invention is in an outermost position, furthest from the solid state imaging device, in order to achieve the dust prevention function disclosed in the present application.

Accordingly, since SAKAMOTO et al. lacks any disclosure of *a conductive film layer which is a furthest layer from the solid state imaging device*, Applicants submit that SAKAMOTO et al. can not possibly be characterized as anticipating the subject matter of claims 1 and 13.

Applicants also submit that dependent claims 2, 6, 9, 11 and 12, which are at least patentable due to their respective dependencies from claim 1, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record. For example, SAKAMOTO et al. lacks any disclosure of an outer metallic film layer (claim 2); a plurality of laminated transparent plates, at least one being an infrared cut-off filter (claim 6) or a cover glass (claim 9); a transparent cover plate member being an infrared cut-off filter with a conductive film layer formed on one side thereof (claim 11), or a transparent cover plate member being a cover glass with a conductive film layer formed on one side thereof (claim 12).

Applicants respectfully submit that the rejection of claims 1, 2, 6, 9 and 11-13 under 35 U.S.C. § 102(b) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

On pages 4 and 5 of the Official Action, claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over SAKAMOTO et al. (U.S. Patent No. 5,616,949) in view of KAIFU (U.S. Patent No. 6,191,411).

Applicants respectfully traverse the rejection of claim 3 under 35 U.S.C. § 103(a).

Initially, Applicants submit that the teachings of KAIFU do not cure the above-noted deficiencies of SAKAMOTO et al. with respect to claim 1, and that claim 3 is patentable at least due to its dependency from claim 1 for the reasons noted above. Applicants also submit that claim 3 recites additional features of the invention and is also separately patentable over the prior art of record. In this regard, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a Cr film layer in the system of SAKAMOTO et al. Applicants submit that such a modification would not have been obvious to one of ordinary skill in the art, and is clearly the result of impermissible hindsight reasoning.

Accordingly, Applicants submit that the rejection of claim 3 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication

of the allowance of this claim.

On pages 5-7 of the Official Action, claims 4, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SAKAMOTO et al. (U.S. Patent No. 5,616,949) in view of TSUYUKI et al. (U.S. Patent No. 6,069,651).

Applicants respectfully traverse the rejection of claims 4, 7 and 8 under 35 U.S.C. § 103(a).

Initially, Applicants submit that the teachings of TSUYUKI et al. do not cure the deficiencies of SAKAMOTO et al. with respect to claim 1, and that claims 4, 7 and 8 are patentable at least due to their respective dependencies from claim 1 for the reasons noted above. Applicants also submit that claims 4, 7 and 8 recite additional features of the invention and are also separately patentable over the prior art of record.

In regard to claim 4, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a plurality of laminated transparent plates in the system of SAKAMOTO et al., much less an optical low-pass filter. In regard to claim 7, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide an optical low-pass filter in the system of SAKAMOTO et al. Further, in regard to claim 8, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide such an infrared cut-off filter and such an optical low-pass filter in the system of SAKAMOTO et al. so that the infrared cut-off filter is closer to the solid state imaging

device, and that this would clearly constitute an impermissible modification of a modification. Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, particularly since SAKAMOTO et al. already includes the filter 4, and are clearly the result of impermissible hindsight reasoning.

Accordingly, Applicants submit that the rejection of claims 4, 7 and 8 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

On pages 7 and 8 of the Official Action, claims 5 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SAKAMOTO et al. (U.S. Patent No. 5,616,949) in view of OSAWA (U.S. Patent No. 6,650,474), or in view of TSUYUKI et al. (U.S. Patent No. 6,069,651) and OSAWA (U.S. Patent No. 6,650,474).

Applicants respectfully traverse the rejection of claims 5 and 10 under 35 U.S.C. § 103(a).

Initially, Applicants submit that the teachings of OSAWA do not cure the deficiencies of SAKAMOTO et al. with respect to claim 1, and that claims 5 and 10 are patentable at least due to their respective dependencies from claim 1 for the reasons noted above. Applicants also submit that claims 5 and 10 recite additional features of the invention and are also separately patentable over the prior art of record. In this regard, Applicants submit that it

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would not have been obvious to one of ordinary skill in the art to provide lithium niobate plates in the system of SAKAMOTO et al., and that such modification is clearly the result of impermissible hindsight reasoning.

Accordingly, Applicants submit that the rejections of claims 5 and 10 under 35 U.S.C. § 103(a) are improper at least for each and certainly for all of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejections, and an early indication of the allowance of these claims.

SUMMARY AND CONCLUSION

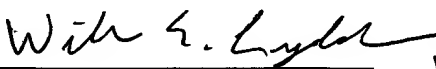
Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
M. FUSHIMI et al.

  
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